

1652 <sup>EW</sup>

Dkt. 0575/48075-B-PCT-US/JPW/AJM/NS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Bestor

Serial No.: 09/051,013

Group Art Unit: 1652

Filed: October 9, 1998

Examiner: D.J. Steadman

For: CHIMERIC DNA-BINDING/DNA METHYLTRANSFERASE NUCLEIC  
ACID AND POLYPEPTIDE AND USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036  
July 15, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO JUNE 15, 2005  
NOTICE OF NON-COMPLIANT AMENDMENT

This Communication is submitted in response to a June 15, 2005 Notice of Non-Compliant Amendment issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the June 15, 2005 Notice of Non-Compliant Amendment is due July 15, 2005. Accordingly, this Communication is being timely filed.

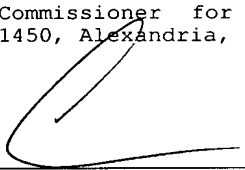
The Notice, a copy of which is attached hereto as **Exhibit A**, indicates that, with respect to the March 18, 2005 Preliminary Amendment, each claim has not been provided with the proper status identifier in accordance with 37 C.F.R. §1.121(c).

In response, applicant annexes hereto as **Exhibit B** a listing of the claims with proper status identifiers as omitted from the Preliminary Amendment filed on March 18, 2005.

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No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
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Date

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**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/051,013

Examiner

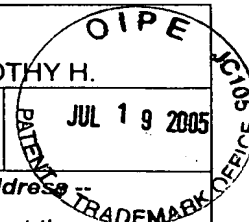
David J. Steadman

Applicant(s)

BESTOR, TIMOTHY H.

Art Unit

1652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

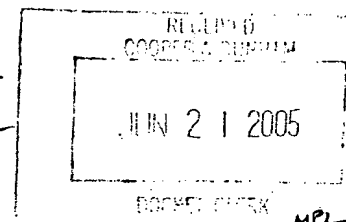
The amendment document filed on 22 March 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_

Brief Ext 7/13/05  
 Brief Deadline 8/13/05  
 MPL



☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).  
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.  
☐ C. Other \_\_\_\_\_

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)  
☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or  
**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

DAVID J. STEADMAN, PH.D.  
 PRIMARY EXAMINER